



AUSTRALIAN CAPITAL TERRITORY

Protection Orders (Reciprocal Arrangements) Act 1992

No. 36 of 1992

An Act to provide reciprocal arrangements with respect to protection orders

[Notified in ACT Gazette S103: 8 July 1992]

The Legislative Assembly for the Australian Capital Territory enacts as follows:

Short title

1. This Act may be cited as the *Protection Orders (Reciprocal Arrangements) Act 1992*.

Commencement

2. (1) Section 1 and this section commence on the day on which this Act is notified in the *Gazette*.

(2) The remaining provisions commence on a day, or respective days, fixed by the Minister by notice in the *Gazette*.

(3) If a provision referred to in subsection (2) has not commenced before the end of the period of 6 months commencing on the day on which this Act is notified in the *Gazette*, that provision, by force of this subsection, commences on the first day after the end of that period.

Interpretation

3. In this Act, unless the contrary intention appears—

“Court” means the Magistrates Court;

“interstate court”—

- (a) means a court in a State or another Territory that may make an interstate order; and
- (b) in relation to an interstate order, means the interstate court that made the order;

“interstate order” means an order under a law of a State or another Territory having the same, or substantially the same, effect as a protection order;

“protection order” means—

- (a) an order under section 197 or 206C of the *Magistrates Court Act 1930*; or
- (b) an order under section 4 or 14 of the *Domestic Violence Act 1986*;

“registered order” means an interstate order registered under subsection 5 (1) or 9 (1) and includes a registered order varied under paragraph 6 (1) (c);

“Registrar” means the Registrar of the Court.

Application for registration of interstate order

4. (1) A person may apply to the Registrar for registration of an interstate order.

(2) An application under subsection (1) shall—

- (a) be in a form approved by the Registrar; and
- (b) be accompanied by the interstate order.

(3) A reference in paragraph (2) (b) to an interstate order shall be read as a reference to the original order or to a copy certified as a true copy by the person to whose custody the original order is entrusted.

Duties of Registrar

5. (1) On receipt of an application in accordance with section 4, the Registrar shall register the interstate order to which the application relates.

(2) Where an interstate order has been registered under subsection (1), the Registrar shall—

- (a) provide the Commissioner of Police with a copy of—
 - (i) the application for registration; and
 - (ii) the registered order; and
- (b) notify the interstate court of the registration.

Effect of registration

6. (1) A registered order—

- (a) has the same effect as a protection order;
- (b) may be enforced against a person named in the order as if it were a protection order that had been personally served on the person; and
- (c) may be varied as if it were a protection order.

(2) Nothing in the *Domestic Violence Act 1986* is to be taken to affect the entitlement of an original party to apply for a variation of a registered order.

(3) In this section—

“original party”, in relation to a registered order, means a person who was a party to the proceedings in which the relevant interstate order was made;

“protection order” means an order under section 4 or 14 of the *Domestic Violence Act 1986*;

“varied” includes adapted and modified.

Variation of registered order

7. Where a registered order is varied under paragraph 6 (1) (c), the Registrar shall—

- (a) take such further action with respect to the order as he or she would be required to take if it were a protection order that had been varied; and
- (b) notify the interstate court of the variation.

Revocation of interstate order

8. Where the Registrar is notified by an interstate court that an interstate order, in respect of which there is a registered order, has been revoked, the Registrar shall cancel the registration of the registered order and shall notify—

- (a) the Commissioner of Police; and

(b) the person for whose benefit the interstate order was registered; of the cancellation.

Variation of interstate order

9. (1) Where the Registrar is notified that an interstate order, in respect of which there is a registered order, has been varied, the Registrar shall cancel the registration of the registered order and register the interstate order as varied.

(2) An order registered under subsection (1) takes effect on the cancellation of the registration of the registered order under that subsection.

(3) If—

- (a) before the cancellation of a registered order under subsection (1), that order had not been enforced in respect of a breach of that order; and
- (b) the action constituting the breach would amount to a breach of the order registered under subsection (1);

the order referred to in paragraph (b) may be enforced as if the breach were a breach of that order.

Notification by interstate court of registration

10. Where—

- (a) an interstate court notifies the Court that it has registered a protection order; and
- (b) the Court varies or revokes that order;

the Court shall—

- (c) notify the interstate court that the order has been varied or revoked; and
- (d) if the order has been varied—provide the interstate court with a copy of that order as varied.

Evidence

11. A registered order is admissible in evidence in any court by the production of a copy of the registered order certified as a true copy by the Registrar, and such a copy is evidence of the matters stated in the registered order.

Regulations

12. The Executive may make regulations, not inconsistent with this Act, prescribing matters—

- (a) required or permitted by this Act to be prescribed; or
- (b) necessary or convenient to be prescribed for carrying out or giving effect to this Act.

[Presentation speech made in Assembly on 18 June 1992]

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